

Assembly Bill No. 537

Passed the Assembly September 12, 2013

Chief Clerk of the Assembly

Passed the Senate September 11, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3505.1 of, and to add Section 3505.8 to, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, Bonta. Meyers-Milias-Brown Act: impasse procedures.

The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of a recognized employee organization. The act requires, if an agreement is reached, that the parties prepare jointly a nonbinding written memorandum of understanding of the agreement that would then be presented to the governing body or its statutory representative for determination.

This bill would require that, if a tentative agreement is reached by the parties, the governing body vote to accept or reject that agreement within 30 days of the date it is first considered, as specified. The bill would not bar the filing of a charge for failure to meet and confer in good faith if the governing body rejects the tentative agreement. The bill would further require the parties to jointly prepare a written memorandum of understanding upon adoption of the tentative agreement by the governing body.

Under existing law, a written agreement to submit to arbitration a specified controversy is valid, enforceable, and irrevocable, except if grounds exist for the revocation of the written agreement.

This bill would additionally provide that an arbitration agreement contained in a memorandum of understanding entered into under the Meyers-Milias-Brown Act is enforceable, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 3505.1 of the Government Code is amended to read:

3505.1. If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, the governing body shall vote to accept or reject the tentative agreement within

30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding.

SEC. 2. Section 3505.8 is added to the Government Code, to read:

3505.8. An arbitration agreement contained in a memorandum of understanding entered into under this chapter shall be enforceable in an action brought pursuant to Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure. An assertion that the arbitration claim is untimely or otherwise barred because the party seeking arbitration has failed to satisfy the procedural prerequisites to arbitration shall not be a basis for refusing to submit the dispute to arbitration. All procedural defenses shall be presented to the arbitrator for resolution. A court shall not refuse to order arbitration because a party to the memorandum of understanding contends that the conduct in question arguably constitutes an unfair practice subject to the jurisdiction of the board. If a party to a memorandum of understanding files an unfair practice charge based on such conduct, the board shall place the charge in abeyance if the dispute is subject to final and binding arbitration pursuant to the memorandum of understanding, and shall dismiss the charge at the conclusion of the arbitration process unless the charging party demonstrates that the settlement or arbitration award is repugnant to the purposes of this chapter.

Approved _____, 2013

Governor